

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

SENTIUS INTERNATIONAL, LLC,

Plaintiff,

v.

BLACKBERRY LIMITED and  
BLACKBERRY CORPORATION,

Defendants.

CIVIL ACTION NO. 2:16-CV-773

**DEFENDANTS' OPPOSED MOTION FOR LEAVE TO FILE  
SUR-REPLY CLAIM CONSTRUCTION BRIEF**

Plaintiff Sentius International, LLC raised new arguments and issues of law in its reply claim construction brief (Dkt. 66). Defendants BlackBerry Limited and BlackBerry Corporation respectfully move the Court for leave to file a short sur-reply in order to address these issues in advance of the August 18, 2017 *Markman* hearing in this case.

A central tenet of Sentius's reply brief relies on a misreading of the Federal Circuit's decision in a case previously not cited, *Enfish v. Microsoft*, 822 F.3d 1327, 1336-40 (Fed. Cir. 2016). Sentius argues *Enfish* introduced a new standard "that algorithms for known functions need not be disclosed." (Dkt. 66 at 1). *Enfish* holds no such thing, and Sentius is misstating Federal Circuit law to suggest it does. BlackBerry would like an opportunity to address this issue briefly in writing in advance of the *Markman* hearing. Sentius also tries to recast the alleged structure for many of its means-plus-function limitations to focus on a "visual editor" that is not algorithmic as the law requires, but instead a black-box with no algorithms disclosed. Defendants respectfully request leave to file a short sur-reply to address these new arguments by Sentius in advance of the August 18 *Markman* hearing in this case.

Dated: June 23, 2017

Respectfully Submitted,

By: /s/ Anthony F. Blum  
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**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that counsel has complied with the meet and confer requirement of Local Rule CV-7(h) and that the motion is opposed. Counsel for BlackBerry and Plaintiff discussed the issues presented here via telephone on June 23, 2017. Plaintiff indicated that it was opposed to the relief sought herein. Discussion have resulted at an impasse leaving an open issue for the Court to resolve.

/s/ Anthony F. Blum  
Anthony F. Blum

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 23<sup>rd</sup> day of June 2017.

/s/ Anthony F. Blum  
Anthony F. Blum